

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Ralph R. Nelson

Plaintiff

v.

Case No: 04-10845-NMG

Judge Nathaniel M. Gorton

Tonya Marie Coffey (Nelson), et al.

Defendants

**PLAINTIFF'S ANSWER TO MOTION TO DISMISS FILED FOR DEFENDANTS CARLA
TOWNSEND, ROBERT SUVER, VIRGINIA BROWN, SANDRA MENDENHALL, DEBBIE
MARTINEAU, HOLLY PAYNE AND JOEL SALWAY.**

1. Sherri Z. Heller, The Commissioner of the Federal Office of Child Support Enforcement at the U.S. Department of Health and Human Services in Washington, D.C., was served the summons and complaint for this case way back on May 15, 2004. To this present day, Oct. 9, 2004, the Commissioner has failed to respond. The Commissioner is now in contempt.

Obviously, the Commissioner does not take my children or me seriously. For this reason, and the reasons demonstrated below, it is imperative that : 1) no defendant be dismissed and, 2) that this case remains here in Massachusetts.

2. Attorney Hollis states on pg. 7 in his motion to dismiss, (pgs. 4, 5 and 6 were missing so I am unable to respond to those pages), " All events alleged in the Plaintiffs Complaint took place in Ohio. The Clark County defendants lack even the most minute of contacts with the State of Massachusetts. None of the defendants transacts any regular business affairs in Massachusetts in their official capacities."

This is just not accurate.

a. "All events alleged in the Plaintiffs Complaint took place in Ohio." My employment is in Massachusetts. The 'event' of taking my income from my employer is being conducted by the state of Massachusetts. This is taking place in the state of Massachusetts, and by the state of Massachusetts. The monthly 'events' of communication and money transfers is taking place in the State of Massachusetts. Beth Israel hospital is in Massachusetts. Brockton hospital is in Massachusetts. The Massachusetts DOR/CSE is in Massachusetts. My witnesses are in the State of Massachusetts. Massachusetts is *very* much involved in this situation. And the state of

Massachusetts' involvement is crucial to the resolution of these problems, as I explain below.

b. "The Clark County defendants lack even the most minute of contacts with the State of Massachusetts." Actually, the Clark County defendants have significant contact with the State of Massachusetts. In fact, only an extremely thin veneer separates the two. When Ohio child support says to Massachusetts child support "take Rob's paychecks" - that's contact. When Massachusetts child support says to Ohio's child support "here's Rob's paychecks" - that's contact. One can not describe monthly contacts as 'lacking even the most minute of contacts.' It's just not accurate.

c. "None of the defendants transacts any regular business affairs in Massachusetts in their official capacities." Again, there is absolutely no way one can describe monthly contact as no contact. It's just not accurate. When Ohio child support communicated the most recent disputed arrearage charge to Massachusetts child support, the defendants were transacting regular business affairs with Massachusetts in their official capacities. And when Massachusetts child support failed to determine the validity of the charge before Massachusetts child support garnished my wages from my Massachusetts employer - knowing that the arrearage amount was in dispute - then obviously an extremely thin veneer exists between Ohio child support and Massachusetts child support. Both are part of a singular, national agency with the same national Commissioner.

And when Washington, D.C., Ohio, and Massachusetts child support do not respond, then it is only common decency to resolve these issues here in Massachusetts. When Ohio fails to respond over such a long period of time, then it makes no sense what so ever to attempt any further resolution in Ohio. I have made approximately 12 trips to Ohio to attempt to resolve these issues, and Ohio has made no attempt what so ever at any problem resolution. Any additional attempts in Ohio would be a waste of my valuable time. Ohio has made no attempt what so ever to provide the children what they want and need, which is to have their good Dad in their lives. And I can not afford these trips.

As the records prove, if I do not work significant overtime every month, I am unable to pay rent on my small one room apartment. This agency has forced me to work over time every single month for many years now, while everyone refused to help me with visitation. It is impossible for me to make additional trips to a State that clearly has no desire for problem resolution. The child support enforcement agency is a *national* agency with offices in every state. Since I am unable to go to Ohio, I should be able to resolve child support issues here in Massachusetts. In fact, this is one of the problem areas I have been requesting the agency to address. There are a large number of Fathers in the 'system' who reside in a different state from their children. And when these fathers need to resolve problems with this national agency, the Fathers have to bear the expense to travel to another state, even when the problem was created by the agency. There is no logic to this practice.

On pg. 8 Attorney Hollis states:

d. "The Clark County Defendants as well as any documents, records and witnesses are in Clark County, Ohio." This is not accurate. At least half, if not more, of the documents, records and witnesses are in Massachusetts. And the witnesses I wish to impose upon the least are *all* in Massachusetts.

e. "Even the most basic discovery activities, including the deposition of witnesses and the examination of documents would entail not only significant travel and expenses, but also significant disruptions to work schedules, including court dockets." This is almost insulting to

me. Let me remind all of you. On April 24, 2000, Tonya Marie Coffey (Nelson) filed with the Common Pleas Court of Clark County, Ohio a motion in contempt for child support charge against me. On May 17, 2000, I incurred the expense of approximately \$ 1,000, took the day off from work and traveled to the Common Pleas Court in Springfield, Ohio. Immediately upon my arrival, Tonya Marie Coffey (Nelson) withdrew the charge and fled the courthouse. Damage done. Not one single person expressed any compassion for what I had been put through. I have made approximately twelve trips to Ohio seeking problem resolution - all to no avail. Personal jurisdiction by this Court over the Clark County defendants would be inconvenient - not unreasonable. And if the inconvenience becomes too great - then resolve these issues . My children have been waiting long enough.

And I ask this Court to consider this: The facts prove, and I will demonstrate in court, the reality that my former spouse has (will) physically beat me (usually to the back of the head), knowing that I am too much of a man to strike back. She will then call the police while morphing into her victim's persona. This modus operandi makes her dangerous to me. The reality that this behavior has served her so well in the past leads me to believe there will be no change in the pattern of behavior. My safety comes from physically being in the State of Massachusetts.

f. Also on pg. 8, attorney Hollis argues that the venue is not proper. Again, this is not accurate. Section 1391 (b)(2) provides:

(b)(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.

These issues I have been attempting to resolve have been on going since October 1994 - when my children were abducted. Sixty-four months. For fifty-seven months these events occurred in Ohio. For sixty-four months these events occurred in Massachusetts. More than half of these events occurred in Massachusetts. Add to this the fact that two of the biggest issues with this complaint, the predicate crimes committed while I was employed at Beth Israel hospital, and the predicate crimes that were committed while I was employed at Brockton hospital, BOTH occurred IN Massachusetts. Clearly, a substantial part of the events giving rise to the claims occurred, and a substantial part of the property that is the subject of the action is situated in Massachusetts. Beth Israel hospital is situated in Massachusetts. Brockton hospital is situated in Massachusetts. My employment is situated in Massachusetts. The Massachusetts child support agency is in Massachusetts. My witnesses are situated in Massachusetts. My protection from my former spouse is situated in Massachusetts.

g. On pg. 9, attorney Hollis argues that "Plaintiffs potential remedies include no property in the District of Massachusetts that would support any argument for proper venue under 1391(b)(2). This is just not accurate. Please refer to the resolution discussion below.

h. On pg. 10, attorney Hollis argues that "this Court may nonetheless satisfy itself that venue is improper under the RICO Act's venue statute." I disagree. He follows with the "Plaintiff is unable to show that Defendants . . . transact their affairs (i.e., official duties) in the District of Massachusetts." This is not accurate. As I have demonstrated above, the Clark County defendants routinely conduct their official duties in Massachusetts. Every single month when communication and money goes back and forth between Ohio child support and Massachusetts child support, the Clark County defendants are conducting official duties in Massachusetts. Massachusetts child support would not act without the specific instructions to do so coming from the Ohio child support. When Ohio child support issues orders IN Massachusetts, they are conducting business IN Massachusetts.

The RICO Act's venue statute provides:

- (a) Any civil action proceeding under this chapter [18 USCS 1961 et seq.] against any person may be instituted in the district court of the United States for any district in which such person resides, is found, *has an agent, or transacts his affairs.*

Clearly, the Clark County defendants have an agent and transact their affairs in the District of Massachusetts.

REMEDIES

These remedies are actually simple compared to the resistance I have encountered.

1. Do not put me in a financial position where I *must* work significant over time every single month in order to make my rent payment on my one room apartment. This is causing unnecessary stress between my employer and myself. I have been supporting two households as a x-ray technologist. It doesn't take much to make my financial situation impossible. And this has just been completely unfair. And since these events occur in Massachusetts, they can be resolved in Massachusetts. Child support was never intended to *require* a good Dad to work so much over time just to survive.
2. When the children are on summer vacation, put them on an airplane from Fairborn, Ohio to Boston Massachusetts so they can visit with their Dad. And when school starts in the fall, put them back on an airplane from Boston, Massachusetts to Fairborn, Ohio so they can have two parents in their lives. And during the months that the children are with their good Father, child support payments will cease. Since I will need the money for them here in Massachusetts.
3. Correct the inaccurate arrearage charge. Requiring me to travel to Ohio to do this is just plain WRONG.
4. Clearly, my children were used as pawns by the court, by my former spouse's attorneys, and by my former spouse, during my horrific divorce process. It is time to come together in Boston to develop legislation to place a protective umbrella around our children as soon as the divorce papers are filed, so what happened to them, what happens to millions of children every year, is curtailed. The child support agency has everything in place to accomplish this. I will show you how.
5. Hard earned taxpayers dollars should be withheld until the Department of Health and Human Services can re-prioritize families.

Many would consider my remedies as nothing more than a good family plan. They would be correct. So then, why is this country facing such an enormous national family neglect crises?

Could the answer to this national family neglect crises be in part due to the Department of Health and Human Services being more concerned with religious indoctrination than with helping

our families.

Allow me to shed some light. To do this we must pay a visit to Milwaukee. Home of the Bradley Foundation. The cornerstone of the violent neocon's class warfare ideology.

In September 1996, the U.S. Commission on Child and Family Welfare submitted a report to the President and Congress which strongly endorsed additional emphases at all government levels, especially State and local levels, to ensure that each child from a divorced or unwed family have a parenting plan which encourages and enables both parents to stay emotionally involved with the child(ren).

But this is what happened instead:

The current administration directed five cabinet-level agencies to provide public tax payers dollars to religious groups that infuse their programs with proselytizing - as well as allowing discrimination toward those of another faith or those who violate their church's teachings.

One of these agencies is the Department of Health and Human Services. While Governor of Milwaukee, Tommy Thompson, the Secretary of Health and Human Services, brought in and provided state tax payers dollars, which were supposed to go towards welfare (families) assistance, to Faith Works, instead.

Faith Works was championed by Michael Joyce when he was the Executive Director of the Bradley Foundation. The same Michael Joyce who channeled at least one million dollars to Charles Murray, the author of The Bell Curve. The infamous American Enterprise Institute backed book that attempted to give academic respectability to the theory that Blacks are intelligently inferior to Whites. The same Michael Joyce who has been the principle architect of the neocon's social policy over the last decade. The same Michael Joyce who was appointed to head the White House Office of Faith-based and Community Initiatives.

U.S. District Judge Barbara Crabb struck down Tommy Thompson's Milwaukee's use of welfare funds to Faith Works, saying the money constituted "unrestricted, direct funding of an organization the engages in religious indoctrination."

Moving down the hall within the house of Health and Human Services, we come to the assistant secretary of administration for children and families, Wade Horn, and the Healthy Marriage Initiative. Or the use of federal taxpayers dollars to promote "healthy marriage".

Who is the Department of Health and Human Services giving our tax dollars to, for the promotion of "healthy marriages" ? Rev. Sun Myung Moon, the self-proclaimed world messiah, the Hare Krishas, and the Church of Scientology.

Rev. Sun Myung Moon is known for presiding over mass marriage ceremonies for devotees whose unions are arranged by Moon or other church leaders. After marriage, Unification church couples are given detailed instructions for their honeymoon, right down to the sexual positions they are supposed to assume during their first three conjugal couplings. According to Unification Church teachings, the children born from these marriages are "blessed children," who, unlike the rest of humanity, are born without original sin.

(As an example), Josephine Hauer, a graduate of the Rev. Moon's Unification Theological

Seminary in New York and a "marriage specialist" with the U.S. Department of Health and Human Services who uses our tax dollars to conduct sixteen hour training sessions where the attendees are awarded a " Certified Marriage Education Professional Document of Completion," issued by Rev. Moon's University of Bridgeport.

According to Josephine Hauer, " Sixteen hours of training won't make you the best marriage educator, but it takes all kinds of work to save marriage - - people to run the sound system, write the press releases."

WRITE THE PRESS RELEASES ! SOUND SYSTEMS ? My children were abducted when my wife ran off with her boyfriend after she filed domestic violence charges, which she now states, never occurred. And not one individual has ever offered my children any assistance. PRESS RELEASES? SOUND SYSTEMS ?

45 million dollars of our federal tax money being paid out through the Compassion Capital Fund to cults for the promotion of "healthy marriage" , and my children can't even get minor assistance in getting their good Father back in their lives.

In his Feb. 20, 2001, broadcast of his "700 Club" television show, Pat Robertson expressed particular concern about federal money going to the Church of Scientology, the Hare Krishnas and "the Moonies." This was corrected by a \$500,000 grant to Robertson's charity, Operation Blessing International, from the Department of Health and Human Services' Compassion Capital Fund.

My children and their good father never had a chance in this neocon sponsored contest between human equality and the power of money.

Now, let us follow this mean-spirited neocon ideology from Washington to Ohio. This will necessitate another stop off in Milwaukee.

Michael Joyce, (the neocon's family values czar, and fervent supporter of The Bell Curve), through the Bradley Foundation created a school vouchers propaganda outfit called the Black Alliance for Educational Options (BAEO).

BAEO is all about further separating the haves from the have-nots. NAACP Executive Director Kweisi Mfume, describes this program as "a pernicious, steal-from-the-poor-and-give-to-the-rich scheme." " They take money from our public school students, give it instead to private schools, and abandon many of our children in the process."

The Undersecretary of Education, Gene Hickok, placed BAEO on the federal payroll with a \$600,000 grant. Mr. Hickok stated, "We want to change the conversation about parental choice by positively influencing individuals who are resisting parental choice options and get them to reconsider their outlook."

Under cover of informing parents of options available *within* public school systems, the BAEO is encouraged to use public money to rally political support for private schools funding - its only reason for existence. The BAEO's mission is privatization, and they have been placed on the federal payroll.

Ideology above child welfare.

Serving on the twenty-nine member BAEO board is Kenneth Blackwell, Ohio Secretary of State.

Secretary of State Blackwell is in fact on the board of every neocon, Right-funded "school choice", "youth", "pro-family" group imaginable. Secretary of State Blackwell even acted as the African American TV mouth for Bush during the Florida fiasco.

This is the State government that continues, to this day, to inform me that they are not capable of family assistance as simple as having my children visit their good father. Attorney William Knapp was correct when he stated "The only thing Rob asks for is simply to see his kids." Exactly how difficult would it be to put three kids on an airplane from Fairborn, Ohio to Boston to spend time with their Father, and then be put back on an airplane from Boston to Ohio to be with their mother. How difficult could that possibly be ?

And this violent neocon government can't do that.

Even when the Guardian Ad Litem reported to the Ohio court that "it appears from speaking with the 'Mother' and the minor children that the children have been exposed to negative comments about 'their Father' from 'their Mother' beyond that reasonably anticipated to occur in the domestic arena" . . . followed by. . . "The parties oldest daughter, appears to continue to have problems coping with her father's apparent abandonment. This is exacerbated by the constant reminder of this by the Mother."

My children were being told relentlessly that I abandoned them, when the facts demonstrate that I was prevented from any and all communication and contact with my children by a violent, abusive former spouse and a 'system' that turns its back on the cries of our children.

The Guardian Ad Litem indicates my daughter needs her Father, and everyone who should be helping her, declares they can't help. Go down to any divorce court, on any given day, and you will witness this same scenario.

Using taxpayer money desperately needed and budgeted for family assistance - for religious indoctrination. Using taxpayers money desperately needed and budgeted for family assistance - used to assist bizarre cults. And using taxpayer money desperately needed and budgeted for our impoverished public schools - being used to promote public funding of private schools instead. This is the enormous wall separating my children from their good Father. And because of this ideological wall, my children and I have been informed repeatedly that no one is capable of helping us. Growing up with out a Father, is a feeling my children will have to carry with them their entire lives. This violent neocon class warfare version of family values is killing us.

Now, let us review what's happening at the State level:

The extreme numbers of complaints regarding the difficulty in dealing with the Massachusetts DOR/CSE prompted: 1. former State Treasurer turned investigative reporter Shannon O'Brien to broadcast several 'war' stories on local television and 2. the Massachusetts Legislative Children's Caucus sponsored a public hearing before State legislatures.

Edward McGinnis has worked for the Massachusetts DOR/CSE for 16 years. On camera he referred to the Massachusetts DOR/CSE leadership with quotes such as :

- "They don't care who they crush or walk over."
- "There are a lot of things they do that are illegal and borderline immoral."
- "It's just about hit the bottom of the barrel."
- "He (the commissioner) doesn't know, and doesn't care."

Mary, from Boston, in her e-mail to Shannon O'Brien explains very well what we all want when she wrote, "... I hope the commissioner helps change the DOR's horrible systems and starts helping the parents who are trying to do all the right things. . ."

I have been in the Massachusetts DOR/CSE office on many occasions, and the office staff is usually very professional with me. Only on one occasion in the Boston/Metro office was a staff person so angry with me for filing this complaint, that she was unable to engage in a civil dialogue with me. I understand this frustration. I also understand that one person with no resources taking on the 'system' is a frightening proposition. So, I reply to this women, "I promised my kids I wouldn't give up."

So many of us see these problems as leadership problems within a system that has grown more and more violent. Which is why *fixing an obviously broken national system* is such a large part of this complaint. It's time to put a protective envelope around our children as soon as the divorce papers are filed. And it's time the 'system' prioritize re-connecting children with their good parents.

Respectfully submitted,



Ralph R. Nelson
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Addendum: I have attached a newspaper clipping from the Boston Globe Editorial Section dated Saturday Oct 9, 2004. This article was brought to my attention after I completed this response. We feel this article demonstrates the disparity between the rhetoric and the reality. It's time to make the rhetoric real.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed by ordinary U.S. Mail, postage prepaid, to the undersigned, this 11th day of October, 2004.

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It's time for the rhetoric to
face reality.

BOSTON GLOBE EDITORIAL SECTION
SATURDAY OCT. 9, 2004
A culture of committed fathers



AN OCT. 4 news story by Jenn Abelson discussed a growing number of studies that have shown a direct link between fathers' involvement and students' achievement ("Hands-on approach draws dads to schools," Page B3, Oct. 4). This is one reason President George W. Bush has launched initiatives to support father involvement.

First, the Bush administration is taking steps to make the Head Start program more father-friendly. This means helping local Head Start centers encourage and welcome the participation of fathers. In June, for instance, we hosted the first ever Head Start Fatherhood Training Institute in Dallas.

Second, the president has asked for a doubling of funding for access and visitation programs to support mediation, counseling and the development of co-parenting plans so that noncustodial fathers can be an active part of their

children's lives.

Reinforcing a culture of committed and responsible fatherhood is not just the work of government; it is the work of all sectors of society, including civic organizations and faith-based groups. We applaud the Jenkins Dads Club in Scrutiny, the Globe, and all of those involved for contributing to this important effort.

WADE F. HORN
Washington, D.C.

The writer is assistant secretary of Administration for Children and Families at the US Department of Health and Human Services.

The Globe welcomes correspondence from readers. To be considered for publication, letters must be written exclusively to the Globe and must include for verification the name, address, and daytime telephone number of the writer. We do not publish anonymous letters. Letters should be 200 words or less; all are subject to condensation.

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We always *think*
we'll have plenty of time

to tell people we *love* them,
so we end up not actually

taking the *time* to do it.

✓

Every time I attempt to do right for these children, I am hit with a wall of slander.

And every government employee with the words Family and or child in their title claims they are unable to help these children.

This is unacceptable.

That's why, Dad,

I want to let you know what's in my heart-

I love you.

I've always loved you.

And I always will.

Happy Valentine's Day

Happy Birthday !!!

The card says enough...

Shonnina